

HOUSE No. 687

The Commonwealth of Massachusetts

PRESENTED BY:

William M. Straus

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to further regulate contributions and disclosure under campaign finance laws.

PETITION OF:

NAME:

William M. Straus

DISTRICT/ADDRESS:

10th Bristol

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 705 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO FURTHER REGULATE CONTRIBUTIONS AND DISCLOSURE UNDER CAMPAIGN FINANCE LAWS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority
of the same, as follows:*

1 SECTION 1. Paragraph (2) of subsection (b) of section 18C of chapter 55 of the General Laws, as
2 appearing in the 2000 official edition, is hereby amended by striking out, in line 15, the figure “\$25,000” and
3 inserting in place thereof the figure “\$5,000”.

4 SECTION 2. Chapter 55 is hereby amended by inserting after Section 6B the following:

5 Section 6C. (a) A ballot question committee, required by Section 18 to file reports with the director, that
6 makes an expenditure in connection with any literature or advertisement to support or oppose a ballot question or
7 questions shall disclose in such literature or advertisement the four largest of its contributors as of the time the
8 literature or advertisement is printed, recorded or otherwise produced for dissemination. If a ballot question
9 committee has fewer than four contributors at such time, the committee shall disclose all contributors on such
10 literature or advertisement.

11 (b) If an out-of-state contributor or out-of-state group, organization, or other entity is one of the four largest
12 contributors to a ballot question committee disclosed pursuant to subsection (a), the ballot question committee shall
13 clearly identify such contributor as an out-of-state contributor on its literature or advertisement in support of or in
14 opposition to a ballot question or questions.

15 (c) Contributors that make contributions to more than one ballot question committee that support or oppose
16 the same ballot question shall notify each ballot question committee to whom they contribute at the time of the
17 contribution of the cumulative total of such contributions made to all ballot question committees. Cumulative totals
18 must be disclosed by each ballot question committee that receives contributions from the same contributor if the
19 cumulative total is to be disclosed pursuant to subsection (a).

20 (d) Any disclosure statement required by this section shall be printed clearly and legibly in a conspicuous
21 manner in type at least as large as the majority of the printed text. If the communication is broadcast on radio, the
22 information shall be spoken at the end of the communication. If the communication is broadcast on a
23 telecommunications system, the information shall be both written and spoken at the end of the communication,

24 except that if the disclosure statement is written for at least five seconds of a thirty second advertisement broadcast
25 or ten seconds of a sixty second advertisement broadcast, a spoken disclosure statement is not required. If the
26 communication is broadcast on a telecommunications system, the written disclosure statement shall be printed in
27 letter equal to or larger than four percent of the vertical picture height.

28 (e) Subsection (a) does not apply to bumper stickers, pins, buttons, pens and similar small items on which the
29 statements required in subsection (a) cannot be conveniently printed or to a communication by a membership
30 organization solely to its members and their families.

31 (f) A ballot question committee shall change future literature and advertisements to reflect any change in
32 funding sources that must be disclosed pursuant to subsection (a).

33 (g) This section only applies to literature or advertisements the contents of which are more than fifty percent
34 devoted to one or more ballot question or questions.

35 (h) Any committee that violates this section is liable in a civil action for a civil penalty of three times the
36 total cost of the literature or advertisement. A contributor who does not notify the ballot question committees to
37 which the contributor has contributed in accordance with paragraph (c) of this section is liable for a civil penalty of
38 three times the amount contributed. Such civil actions may be brought by the attorney general, district attorney, as
39 appropriate, or by any other person.

40 (i) For purposes of this section "Advertisement" means general public advertisement through the print or
41 electronic media, signs, billboards, direct mail, or computerized electronic mail.

42 SECTION 3. (a) Section 1 of Chapter 55 is hereby amended by inserting the following definition: "Late
43 candidate contribution" is a contribution to those candidates and candidate committees who are required to disclose
44 their contributions pursuant to section 18C of this chapter, including a loan, that (a) totals \$500 or more from any
45 contributor that is received by a candidate or candidate committee; and (b) is received by a candidate or candidate
46 committee for state senator or state representative in the 17 days immediately preceding the election in which the
47 candidate's name appears on the ballot and ending on the day the election is held for such candidates; or (c) is
48 received by a candidate or candidate committee for governor, lieutenant governor, state secretary, attorney general,
49 state treasurer and receiver general, auditor, governor's council, county office, or mayor required to designate a
50 depository in accordance with section 19 beginning September 1 immediately preceding the primary or beginning
51 October 16 immediately preceding the general election, through primary or election day respectively on which the
52 candidate's name appears on the ballot.

53 (b) Section 1 of Chapter 55 is hereby amended by inserting the following definition: "Late ballot question
54 committee contribution" is a contribution to a ballot question committee which is required to disclose its
55 contributions with the Director pursuant to section 18C of this chapter, including a loan, that (a) totals \$1,000 or
56 more from any contributor that is received by a ballot question committee; and (b) is received beginning October 16
57 through the day that the election is held in the year in which the question appears on the ballot.

58 (c) Section 18C of Chapter 55 is hereby amended by inserting the following section:

59 (j) (1) Each candidate, candidate's committee or ballot question committee that receives a late candidate
60 contribution or late ballot question committee contribution, as defined in Section 1 of this chapter, shall file a report
61 with the director. The recipient of the late contribution shall report the candidate's or committee's full name and
62 address, the date received and the amount of the late contribution, and whether the contribution was made in the
63 form of a loan. The recipient shall also report the full name of the contributor, his or her residential address,
64 occupation, and the name of his or her employer, or if self-employed, the name of the business. In the case of a non-
65 monetary contribution, the recipient shall disclose a description of the contribution.

66 (2) A late candidate contribution or late ballot question committee contribution shall be reported
67 electronically by the recipient by midnight of the day following its receipt. A late candidate contribution or late

68 ballot question committee contribution shall be reported on subsequent campaign disclosure reports without regard
69 to reports filed pursuant to this section.

70 (3) A late candidate contribution or late ballot question committee contribution need not be reported nor shall
71 it be deemed accepted if it is not cashed, negotiated, or deposited and is returned to the contributor in its original
72 form within 24 hours of receipt.

73 (4) A report filed pursuant to this section shall be in addition to any other campaign disclosure reports
74 required to be filed by this chapter.

75 SECTION 4. (a) Section 1 of Chapter 55 is hereby amended by inserting the following definition:
76 "Independent expenditure" is an expenditure that expressly advocates the election or defeat of a clearly identified
77 candidate which is made without cooperation or consultation with any candidate, or a nonelected political committee
78 organized on behalf of a candidate, or any agent of a candidate and which is not made in concert with, or at the
79 request or suggestion of, any candidate, or any nonelected political committee organized on behalf of a candidate or
80 agent of such candidate.

81 (b) Section 1 of Chapter 55 is hereby amended by inserting the following definition:

82 "Late independent expenditure" is an independent expenditure or expenditures in an aggregate amount exceeding
83 \$1000 that is made after the 8th day, but more than 24 hours before the date of the election.

84 (c) Section 18A of Chapter 55 is hereby amended by striking in line 7 the word "business."

85 (d) Section 18A of Chapter 55 is hereby amended by striking lines 15 to 23.

86 (e) Section 18A of Chapter 55 is hereby amended by inserting in line 5 after the word director the following,
87 "of the Office of Campaign and Political Finance, in accordance with Section 18C." Section 18A is also amended
88 by inserting after line 14 the following:

89 Any individual, group or association not defined as a political committee who makes a late independent
90 expenditure or expenditures, as defined in Section 1, shall file with the Director in accordance with Section 18C, on
91 a form prescribed by the Director, a report stating the name and address of the individual, group or association
92 making the expenditure or expenditures; the name of the candidate or candidates whose election or defeat the
93 expenditure promoted; the name and address of the person or persons to whom the expenditure or expenditures were
94 made; and the total amount or value; the purpose and the date of the expenditure or expenditures. Such reports shall
95 be filed by midnight of the day following the date that such expenditure or expenditures are made. After this initial
96 report is filed, an additional report or reports shall be filed with the Director in the same manner by midnight of the
97 day following the date that any additional independent expenditures in an aggregate amount exceeding \$1,000 are
98 made by any individual, group or association not defined as a political committee with respect to the same election
99 as that to which the initial report relates.

100 Violation of any provision of this section or section 18C shall be punished by imprisonment for not more
101 than one year or by a fine of not more than five thousand dollars, or both.

102 (f) Section 18C of Chapter 55 is hereby amended by striking in subsection (b) the words "individuals and
103 political committees" and inserting in place thereof the words "individuals, political committees, groups and
104 associations". Section 18C is further amended by inserting after section (b)(3) the following:

105 (4) Every individual, group, or association not defined as a political committee required by Section 18A to file
106 disclosure reports with the Director.

107 (g) Section 39 of Chapter 56 is amended by striking out lines one to fourteen and inserting in place
108 thereof: No person, group, organization or association shall publish or broadcast or cause to be published or
109 broadcast in a newspaper, periodical, radio broadcast, television broadcast, including cable or other means of
110 electronic dissemination, any paid advertisement designed or tending to aid, injure, or defeat any candidate for
111 public office or any question submitted to the voters, unless the name of the chairman or secretary or the names of
112 two officers of the political or other organization advertising the same, or the name of one or more persons eighteen
113 years of age or older who are responsible therefor, with the residence and the street and number thereof, of each
114 such person eighteen years of age or older appears therein in the case of any of the aforementioned visual media in a
115 clearly visible and prominent typeface and in the case of a radio broadcast clearly audible statement; provided,
116 however, that each such person eighteen years of age or older has signed his name in the presence of a witness to the
117 following statement authorizing the insertion or broadcast of such advertisement. The statement shall be retained by
118 the newspaper, periodical, radio broadcast, television broadcast, including cable, for not less than one year, shall be
119 available to any person upon request, and shall be in substantially the following form:

120 (h) If any of section 39 of Chapter 56 shall be deemed unconstitutional, it shall be struck without rendering
121 the remaining sections unconstitutional.

122 SECTION 5. Section 7A(a)(1) of Chapter 55 of the General Laws of the 2000 Official Edition is hereby
123 amended in line 4, by striking the word “five hundred” and inserting in place thereof, the words “one
124 thousand”. Section 7A(b) of Chapter 55 is amended in line 26, by striking the word “two” and inserting in place
125 thereof, the word “one”. Section 7A of Chapter 55 is further amended in line 29 by striking the word “two” and
126 inserting in place thereof, the word, “one”.

127 SECTION 6. Section 18A of Chapter 55 is hereby amended by adding in line 5 after the word “director” the
128 following, “of Office of Campaign and Political Finance, as outline in 55:18C”. Section 18A is also amended by
129 inserting after line 23 the following:
130 Any person, group or association that makes or contracts to make independent expenditures aggregating
131 \$1,000 or more after the 20th day, but more than 24 hours, before the date of an election shall file a report describing
132 the expenditures within 24 hours.
133 After a person files a report as outline in (a), the person shall file an additional report within 24 hours after
134 each time the person makes or contracts to make independent expenditures aggregating an additional \$1,000 with
135 respect to the same election as that to which the initial report relates.

136 SECTION 7. Section 18C of Chapter 55 is amended by inserting after section (b)(3) the following:
137 (4) Every individual, group, or association who makes an independent expenditure or expenditures in an
138 aggregate amount exceeding two hundred and fifty dollars during any calendar year for the purpose of promoting the
139 election or defeat of any candidate or candidates.
140 (5) Any person, group, or association that makes or contracts to make independent expenditures aggregating
141 \$1,000 or more after the 20th day, but more than 24 hours, before the date of an election shall file a report describing
142 the expenditures within 24 hours.
143 (6) After a person files a report as outline in (a), the person shall file an additional report within 24 hours
144 after each time the person makes or contracts to make independent expenditures aggregating an additional \$1,000
145 with respect to the same election as that to which the initial report relates.

146 SECTION 8. Section 39 of Chapter 56 is amended by inserting after the word “periodical” the words “,or
147 broadcast or pay to broadcast”. Section 39 is further amended in line 13 by inserting after the word “periodical” the
148 word, “broadcast station”. Section 39 is further amended in line 28 by inserting after the word “periodical” the
149 words “or broadcast station”

150 SECTION 9. If any of section shall be deemed unconstitutional, it shall be struck without rendering the
151 remaining sections unconstitutional.